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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,301	08/10/2001	Dan Kikinis	P5064	7434

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/927,301	<b>Applicant(s)</b> KIKINIS, DAN	
	<b>Examiner</b> Justin M Philpott	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/2/2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 2, 2004 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed July 2, 2004 have been fully considered but they are not persuasive.

First, applicant argues (page 6, first and second paragraphs) that Wengrovitz fails to teach a routing means provided by a CTI server. However, as discussed in the previous office action, and repeated herein, Wengrovitz teaches the CTI server determines and returns a routing for the communication event by means of the signaling event, which was previously cited at paragraph 0058. Specifically, Wengrovitz recites, "The PBX event/service is preferably a CSTA, CTI, or other PBX signaling event. ... [T]he emulation client/server *identifies* the appropriate PBX unit and *translates* the SIP request/response ... . The emulation client/server then *returns the translated PBX message*" (emphasis added) (paragraph 0058). Further, Wengrovitz teaches generally that the "location server ... includes redirection information for redirecting calls" (paragraph 0012). Clearly, Wengrovitz provides a CTI server which determines and returns a

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routing for the communication event as recited in applicant's claims. Thus, applicant's argument is not persuasive.

Second, applicant argues (page 6, third paragraph continued to page 7) that Wengrovitz fails to teach particular features and advantages provided by applicant's invention (e.g., an event comprising a telephone call is completely separate from an SIP routing request and is delivered by entirely different means). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an event comprising a telephone call is completely separate from an SIP routing request and is delivered by entirely different means) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, applicant's argument is not persuasive.

Third, applicant argues (page 7, first paragraph) that shifting of the location of the SIP mechanism from the switch to the workstation would produce the unexpected results of the user sending an event initiation instead of a routing request and the user being unable to add any additional data to the routing request such as a textual reason for the requested contact. Applicant has provided no evidence or further explanation regarding these assertions other than a brief discussion of applicant's Figure 4. Regarding applicant's argument, these assertions are not unexpected results for the following reasons. First, regarding routing requests, the emulation client 110a clearly prepares and send an SIP routing request (e.g., SIP INVITE, see paragraph 0048). Thus, the same emulation client moved to the location of the workstation would inherently also prepare and send the SIP routing request. Second, regarding a user not being able

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to add any additional data to the routing request such as a textual reason for the requested contact, the movement of the location of the emulation client 110a from the switch to the workstation would not restrict the user from such an operation. Applicant has not provided any evidence or explanation to the contrary other than this general assertion. Thus, applicant's argument is not persuasive.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0110113 A1 by Wengrovitz.

Regarding claims 16 and 22, Wengrovitz teaches a system (e.g., FIG. 4) for routing a communication event in a call center having routing means provided by a CTI server, the event initiated by an originator at a computerized workstation outside the call center, comprising: a software-enabled SIP mechanism (e.g., emulation client 110a, see paragraph 0045, lines 7-9 and also paragraph 0035, lines 5-12 wherein an emulation client is identified as a software program) operable from the workstation by the originator (e.g., phone 100, see paragraph 0067, lines 4-10 wherein the phone may be replaced by a computer) to prepare and send an SIP-protocol routing request along with an event initiation (e.g., SIP INVITE request with the identified number, see paragraph 0048); and a software enabled reformatting mechanism in the call center (e.g., within

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emulation client 110a, see paragraph 0058) receiving and processing the SIP-protocol routing request; characterized in that the reformatting mechanism converts the SIP routing request into non-SIP protocol (e.g., PBX signaling type) understood by the CTI server, and sends the resulting non-SIP request (e.g., PBX signaling event) to the CTI server for processing and response, and the CTI server determines and returns a routing for the communication event (e.g., PBX signaling event).

While Wengrovitz may disclose the software-enabled SIP mechanism (e.g., emulation client) is coupled to the workstation (e.g., phone) via cables or other transmission media (e.g., see paragraph 0033), it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to shift the location of the SIP mechanism from the switch to the workstation since it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. The contention of obvious choice in design can be overcome if Applicant establishes unexpected results. In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claims 17, 18, 23 and 24, Wengrovitz teaches the communication arrives at the call center from a data packet network comprising the Internet network (e.g., see paragraph 0032, line 7-8, wherein network 45 is preferably a network such as the Internet network).

Regarding claims 19 and 25, Wengrovitz teaches the network may preferably connect to a wide area network (e.g., see paragraph 0032, line 8). While Wengrovitz may not specifically disclose the network is a LAN (local area network), Examiner takes official notice that it is well

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known in the art to apply teachings of a network such as a wide area network to other network types such as a local area network.

Regarding claims 20 and 26, Wengrovitz teaches the CTI server controls routing within the call center (e.g., see paragraph 0034, lines 1-5).

Regarding claims 21 and 27, Wengrovitz teaches the communication events are received from clients of the call center and routed to agents or automated systems at work within the center (e.g., see paragraph 0034, lines 5-9).

### ***Conclusion***

5. This is a request for continued examination of applicant's earlier Application No. 09/927,301. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however,

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event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin M Philpott



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